

PATUNAS LAW LLC

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November 17, 2016

VIA ECF

Hon. Stanley R. Chesler, U.S.D.J.
United States District Court
Martin Luther King, Jr. Federal Courthouse
50 Walnut Street
Newark, NJ 07102

**Re: *Impax Laboratories, Inc. v. Actavis Laboratories FL, Inc. And Actavis Pharma Inc.,*
Civil Action No. 15-6934 (SRC/CLW)**

Dear Judge Chesler:

Pursuant to New Jersey Local Patent Rule 4.6 and the Court's January 11, 2016 Scheduling Order, as amended (D.I. 33, 54), Plaintiff Impax Laboratories, Inc. ("Plaintiff" or "Impax"); and Defendants Actavis Laboratories FL, Inc. and Actavis Pharma, Inc. (collectively, "Defendants" or "Actavis") hereby submit this Joint Proposed Schedule Regarding Claim Construction Hearing.

The parties have agreed and respectfully request that the Court hold a Claim Construction Hearing on January 30, 2016 or January 31, 2017.

The parties jointly request that the hearing be scheduled for two to three hours, with each side (with one side being Plaintiff and the other side being Defendants) allowed one to one and a half hours to present their positions at the Claim Construction Hearing.

The parties have agreed not to present any live testimony at the hearing. In lieu of live testimony, the parties intend on relying on relevant portions of Dr. Moreton's and Dr. Jenner's expert declarations and deposition transcripts.

We note that a new patent in the same family as the patents-in-suit has recently been issued, and the parties have agreed to seek to add this patent to the pending litigation. To the extent any new claim construction disputes arise due to the addition of this patent, the parties intend to propose a briefing schedule that would allow the Court to hear those disputes together with those presented to date.

The parties are available to discuss the Court's desired timing and approach to the hearing, if that would be helpful.

PATUNAS LAW LLC

Hon. Stanley R. Chesler, U.S.D.J.

November 17, 2016

Page | 2

Respectfully,

/s/ Michael E. Patunas

Michael E. Patunas

cc: All Counsel of Record (via ECF and e-mail)